UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,185	03/20/2006	Laszlo Hars	US020605	6380

24737   7590   07/02/2008
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EXAMINER
AVERY, JEREMIAH L

ART UNIT	PAPER NUMBER
2131	

MAIL DATE	DELIVERY MODE
07/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
Office Action Summary	10/540,185	HARS, LASZLO	
	Examiner	Art Unit	
	JEREMIAH AVERY	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 March 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 June 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 14-20 have been added.

2.   Claims 1-20 have been examined.

3.   Responses to Applicant's remarks have been given.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by United

States Patent No. 7,167,560 to Yu, hereinafter Yu.

1.   Regarding claim 1, Yu teaches a method of distributing various quality versions

of an electronic content, comprising:

defining each quality version of the electronic content (Figure 7, column 3, lines 6-21,

"different quality levels of preview available to different types of users (e.g., lower level

with least clear data preview for general population, higher level preview with clearer

data for club members, and full playback for authorized or paid customers)", column 7,

lines 31-57 and column 10, lines 38-49);

defining at least one distortion algorithm executable to generate a lower quality version

of the electronic content by a distortion of <u>a high</u> quality version of the electronic content

(column 3, lines 6-21, "different quality levels of preview available to different types of users (e.g., lower level with least clear data preview for general population, higher level preview with clearer data for club members, and full playback for authorized or paid customers)" and lines 27-31, column 4, lines 27-47, "where the encryption is more significant, there comes a degree of disruption at which the media is rendered substantially imperceptible or of such low quality as to be substantially unsuitable to the recipient", column 7, lines 21-57 and column 10, lines 38-64);

assigning at least one content key to at least one quality version of the electronic content (column 4, lines 27-47, column 7, lines 21-45 and column 10, lines 50-64); distributing the higher quality version, the at least one distortion algorithm, and the at least one content key (column 3, lines 6-21, "different quality levels of preview available to different types of users (e.g., lower level with least clear data preview for general population, higher level preview with clearer data for club members, and full playback for authorized or paid customers)" and column 7, lines 21-57, "Recipients wishing to view/listen to a higher quality version of the media can be furnished with a key (for a fee) that will decrypt the one or more enhancement layers" and "a recipient with both the first and the second decryption keys (for a fee) can decrypt the entire medium and enjoy it in its full and highest quality").

2.   Regarding claim 2, Yu teaches wherein the distributing includes storing the high quality version of the electronic content on an electronic content medium (column 4, lines 48-60).

3.   Regarding claim 3, Yu teaches <u>wherein the distributing includes</u> storing <u>the</u> at

least one distortion algorithm on the electronic content medium (column 3, lines 6-21,

"different quality levels of preview available to different types of users (e.g., lower level

with least clear data preview for general population, higher level preview with clearer

data for club members, and full playback for authorized or paid customers)" and lines

27-31, column 4, lines 27-47, "where the encryption is more significant, there comes a

degree of disruption at which the media is rendered substantially imperceptible or of

such low quality as to be substantially unsuitable to the recipient", column 7, lines 21-57

and column 10, lines 38-64).

4.   Regarding claim 4, Yu teaches <u>wherein the distributing includes</u> storing the at

least one distortion algorithm on an electronic content player (column 3, lines 6-21,

"different quality levels of preview available to different types of users (e.g., lower level

with least clear data preview for general population, higher level preview with clearer

data for club members, and full playback for authorized or paid customers)" and lines

27-31, column 4, lines 27-47, "where the encryption is more significant, there comes a

degree of disruption at which the media is rendered substantially imperceptible or of

such low quality as to be substantially unsuitable to the recipient", column 7, lines 21-57

and column 10, lines 38-64).

5.   Regarding claim 5, Yu teaches <u>wherein the distributing includes</u> storing the at

least <u>one</u> content key on the electronic content medium (column 4, lines 27-47, column

7, lines 21-45 and column 10, lines 50-64).

6.   Regarding claim 6, Yu teaches <u>wherein the distributing includes</u> storing the at

least <u>one</u> content key on an electronic content player (column 4, lines 27-47, column 7,

lines 21-45 and column 10, lines 50-64).

7.   Regarding claim 7, Yu teaches an electronic content medium, comprising:

a <u>high</u> quality version of an electronic content (column 3, lines 6-21, "different quality

levels of preview available to different types of users (e.g., lower level with least clear

data preview for general population, higher level preview with clearer data for club

members, and full playback for authorized or paid customers)", column 7, lines 21-57

and column 10, lines 38-64);

at least one distortion algorithm executable to generate a lower quality version of the

electronic content by a distortion of <u>the high</u> quality version of the electronic content

(column 3, lines 6-21, "different quality levels of preview available to different types of

users (e.g., lower level with least clear data preview for general population, higher level

preview with clearer data for club members, and full playback for authorized or paid

customers)" and lines 27-31, column 4, lines 27-47, "where the encryption is more

significant, there comes a degree of disruption at which the media is rendered

substantially imperceptible or of such low quality as to be substantially unsuitable to the

recipient", column 7, lines 21-57 and column 10, lines 38-64).

8.   Regarding claim 8, Yu discloses the electronic content medium <u>including</u> at least

one content key assigned to one of the quality versions of the electronic content

(column 4, lines 27-47, column 7, lines 21-45 and column 10, lines 50-64).

9.   Regarding claim 9, Yu discloses an electronic content player, comprising:

a decryption unit operable to decrypt and decode a <u>high</u> quality version of an electronic

content (column 7, lines 1-8 and 32-57 and column 10, lines 51-64);

and a distortion unit operable to generate a lower quality version of the electronic

content by a distortion of the decrypted and decoded <u>high</u> quality version of the

electronic content (column 3, lines 6-21, "different quality levels of preview available to

different types of users (e.g., lower level with least clear data preview for general

population, higher level preview with clearer data for club members, and full playback

for authorized or paid customers)" and lines 27-31, column 4, lines 27-47, "where the

encryption is more significant, there comes a degree of disruption at which the media is

rendered substantially imperceptible or of such low quality as to be substantially

unsuitable to the recipient", column 7, lines 21-57 and column 10, lines 38-64).

10.   Regarding claim 10, Yu discloses <u>including</u> a controller operable to direct <u>the</u>

decryption unit to decrypt and decode the <u>high</u> quality version of <u>the</u> electronic content

in accordance with a content key associated with the electronic content (column 7, lines

1-8 and 32-57 and column 10, lines 51-64).

11.   Regarding claim 11, Yu discloses <u>including</u> a controller operable to direct <u>the</u>

decryption unit to decrypt and decode the <u>high</u> quality version of an electronic content in

accordance with a content key assigned to one of a lower quality version of the

electronic content (column 7, lines 1-8 and 32-57 and column 10, lines 51-64).

12.   Regarding claim 12, Yu discloses <u>including</u> a controller operable to direct <u>the</u>

decryption unit to decrypt and decode the <u>high</u> quality version of an electronic content in

accordance with a content key associated with the electronic content subsequent to a

reception of a secret key assigned to the electronic content player (column 3, lines 6-21,

"different quality levels of preview available to different types of users (e.g., lower level

with least clear data preview for general population, higher level preview with clearer

data for club members, and full playback for authorized or paid customers)", column 7,

lines 1-8 and 32-57 and column 10, lines 51-64).

13.   Regarding claim 13, Yu discloses <u>including</u> a controller operable to direct <u>the</u>

decryption unit to decrypt and decode the <u>high</u> quality version of an electronic content in

accordance with a content key assigned to one of a lower quality version of the

electronic content subsequent to a reception of a secret key assigned to the electronic

content player (column 3, lines 6-21, "different quality levels of preview available to

different types of users (e.g., lower level with least clear data preview for general

population, higher level preview with clearer data for club members, and full playback

for authorized or paid customers)", column 7, lines 1-8 and 32-57 and column 10, lines

51-64).

14.   (New) Regarding claim 14, Yu discloses including a controller that is configured

to control the distortion unit to generate the lower quality version of the electronic

content based on a content key assigned to the lower quality version (column 3, lines 6-

21, "different quality levels of preview available to different types of users (e.g., lower

level with least clear data preview for general population, higher level preview with

clearer data for club members, and full playback for authorized or paid customers)" and

lines 27-31, column 4, lines 27-47, "where the encryption is more significant, there

comes a degree of disruption at which the media is rendered substantially imperceptible

or of such low quality as to be substantially unsuitable to the recipient", column 7, lines
21-57 and column 10, lines 38-64).

15.   (New) Regarding claim 15, Yu discloses including a media reader that is
configured to read a media that contains the high quality version of the electronic
content (column 3, lines 6-21, "different quality levels of preview available to different
types of users (e.g., lower level with least clear data preview for general population,
higher level preview with clearer data for club members, and full playback for authorized
or paid customers)" and column 7, lines 21-57, "Recipients wishing to view/listen to a
higher quality version of the media can be furnished with a key (for a fee) that will
decrypt the one or more enhancement layers" and "a recipient with both the first and the
second decryption keys (for a fee) can decrypt the entire medium and enjoy it in its full
and highest quality").

16.   (New) Regarding claim 16, Yu discloses including a controller that is configured
to control the distortion unit to generate the lower quality version of the electronic
content based on a content key assigned to the lower quality version (column 3, lines 6-
21, "different quality levels of preview available to different types of users (e.g., lower
level with least clear data preview for general population, higher level preview with
clearer data for club members, and full playback for authorized or paid customers)" and
lines 27-31, column 4, lines 27-47, "where the encryption is more significant, there
comes a degree of disruption at which the media is rendered substantially imperceptible
or of such low quality as to be substantially unsuitable to the recipient", column 7, lines
21-57 and column 10, lines 38-64).

17.   (New) Regarding claim 17, Yu discloses wherein the media includes the content

key (column 7, lines 21-57, "Recipients wishing to view/listen to a higher quality version

of the media can be furnished with a key (for a fee) that will decrypt the one or more

enhancement layers" and "a recipient with both the first and the second decryption keys

(for a fee) can decrypt the entire medium and enjoy it in its full and highest quality").

18.   (New) Regarding claim 18, Yu discloses wherein the controller is configured to

obtain the content key independent of the media (column 4, lines 27-47, column 7, lines

21-45 and column 10, lines 50-64).

19.   (New) Regarding claim 19, Yu discloses wherein the controller is configured to

control the distortion unit to generate the lower quality version of the electronic content

based on the content key (column 3, lines 6-21, "different quality levels of preview

available to different types of users (e.g., lower level with least clear data preview for

general population, higher level preview with clearer data for club members, and full

playback for authorized or paid customers)" and lines 27-31, column 4, lines 27-47,

"where the encryption is more significant, there comes a degree of disruption at which

the media is rendered substantially imperceptible or of such low quality as to be

substantially unsuitable to the recipient", column 7, lines 21-57 and column 10, lines 38-

64).

20.   (New) Regarding claim 20, Yu discloses wherein the distributing includes storing

the at least one distortion algorithm on an electronic content player (column 3, lines 6-

21, "different quality levels of preview available to different types of users (e.g., lower

level with least clear data preview for general population, higher level preview with

clearer data for club members, and full playback for authorized or paid customers)" and

lines 27-31, column 4, lines 13-47, "operations performed by a general purpose

computer system or a specific purpose embedded data processing machine (e.g., an

ASIC), electronic system, computational system and the like" and "where the encryption

is more significant, there comes a degree of disruption at which the media is rendered

substantially imperceptible or of such low quality as to be substantially unsuitable to the

recipient", column 7, lines 21-57 and column 10, lines 38-64).

Response to Arguments

21.   Applicant's arguments, see page 6, filed 03/10/08, with respect to the 35 U.S.C.

112, 2nd paragraph rejection of claim 8 have been fully considered and are persuasive.

The 35 U.S.C. 112, 2nd paragraph rejection of claim 8 has been withdrawn.

22.   With regards to the claim language, "defining at least one distortion algorithm

executable to generate a lower quality version of the electronic content by a distortion of

a high quality version of the electronic content", the Examiner maintains the above-cited

grounds of rejection, in particular but not limited to column 3, lines 6-21, "different

quality levels of preview available to different types of users (e.g., lower level with least

clear data preview for general population, higher level preview with clearer data for club

members, and full playback for authorized or paid customers)" and lines 27-31, column

4, lines 27-47, "where the encryption is more significant, there comes a degree of

disruption at which the media is rendered substantially imperceptible or of such low

quality as to be substantially unsuitable to the recipient", column 7, lines 21-57 and

column 10, lines 38-64. The rendering of the data to a lower quality, as disclosed by

Yu, is analogous to the Applicant's claim language, "to generate a lower version of the
electronic content by a distortion of a high quality content version of the electronic
content".

Conclusion

23.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time
policy as set forth in 37 CFR 1.136(a).

24.   A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
the advisory action. In no event, however, will the statutory period for reply expire later
than SIX MONTHS from the mailing date of this final action.

25.   The prior art made of record and not relied upon is considered pertinent to
applicant's disclosure.

26.   The following United States Patents are cited to further show the state of the art
with respect to secure content management, such as:

        United States Patent No. 6,601,140 to Okaue et al., which is cited to show a
memory unit, data processing unit, and data processing method using memory unit
type.

United States Patent No. 7,228,428 to Cousins et al., which is cited to show a method and apparatus for embedding encrypted images of signatures and other data on checks.

United States Patent No. 7,127,431 to Kambayashi et al., which is cited to show an information recording device and information reproducing device.

United States Patent No. 6,574,609 to Downs et al., which is cited to show a secure electronic content management system.

United States Patent No. 7,299,498 to Lee et al., which is cited to show a system and method of sharing digital literary works while protecting against illegal reproduction through communication network.

United States Patent No. 6,148,333 to Guedalia et al. which is cited to show a method and system for server access control and tracking.

United States Patent No. 6,081,784 to Tsutsui, which is cited to show methods and apparatus for encoding, decoding, encrypting and decrypting and audio signal and recording medium therefor.

United States Patent No. 6,226,618 to Downs et al., which is cited to show an electronic content delivery system.

United States Patent No. 6,263,313 to Milstead et al., which is cited to show a method and apparatus to create encoded digital content.

United States Patent No. 6,389,403 to Dorak, which is cited to show a method and apparatus for uniquely identifying a customer purchase in an electronic distribution system.

United States Patent No. 6,587,837 to Spagna et al., which is cited to show a method for delivering electronic content from an online store.

27.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMIAH AVERY whose telephone number is (571)272-8627. The examiner can normally be reached on Monday thru Friday 8:30am-5pm.

28.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

29.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeremiah Avery/
Examiner, Art Unit 2131
         /Ayaz R. Sheikh/
         Supervisory Patent Examiner, Art Unit 2131